

FARMINGTON CITY COUNCIL MEETING

Wednesday, March 3, 2004

CITY COUNCIL WORK SESSION

PRESENT: Mayor David M. Connors, Council Members David Hale, Larry W. Haugen, Susan T. Holmes, Rick Dutson, Sid Young, City Manager Max Forbush, City Planner David Petersen, and Deputy Recorder Jeane Chipman.

Mayor Connors began discussion at 6:30 P.M. The following items were reviewed:

- Consideration of Amendment to the City's Zoning Ordinances by Allowing "Funeral Homes" as a conditional use in all single family residential zones. A brief discussion of the notification procedures was held. Mr. Petersen explained that procedures had been reviewed by the City's attorney and were found to be adequate.
- Consideration of amendment to City's General Plan by redesignating 1.64 acres located at 1798 North Main St. from "Low Density Residential" to "Office/Business Park" and to Further Consider Rezoning the Property from LR-F to BP. Agenda Item #5 was withdrawn from the agenda.
- S&S Railroad signage request recommendation. Council members discussed the agenda item. They felt the current design being presented was too large. They also discussed location of way-finding signage and whether or not the S&S Railroad business could justifiably be designated a "museum."
- Consideration of CRS proposal to develop a City water management and conservation plan. Mr. Forbush mentioned that the action was State mandated.
- Status report regarding flood mitigation projects and property acquisition issues. The issue was briefly discussed.
- Closed session issues. Mr. Forbush stated there were items the City Council would need to cover during a closed session.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members David Hale, Sid Young, Larry W. Haugen, Susan T. Holmes, Rick Dutson, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman.

Mayor Connors called the meeting to order at 7:05 P.M. The invocation was offered by **David Hale** and the Pledge of Allegiance was led by **Logan Wheeler**, from Scout Troop 1837.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Susan Holmes moved that the City Council approve the minutes of the February 18, 2004, City Council Meeting with corrections as noted. **Larry Haugen** seconded the motion. The voting was unanimous in the affirmative.

REPORT OF PLANNING COMMISSION (Agenda Item #3)

David Petersen reported proceedings of the Planning Commission meeting held February 26, 2004. He covered the following items:

- The Farmington City Planning Commission recommended that the City Council grant final plat approval of Danville Land Investments' request for the first phase of the Hunters Creek Subdivision consisting of 36 lots on 20.655 acres located at 1875 West 950 North in an AE zone. The City Council will likely hear the item on March 27th.
- The Planning Commission tabled consideration of a subdivision proposed by Harold Rice until an appropriate alignment for the trail is established, a flood control permit is acquired from Davis County by the developer, the issue regarding the 20-foot remnant parcel is resolved, and the Fire Chief has reviewed development access alternatives and given his approval regarding any or all of the proposed alternatives.
- The Planning Commission tabled the application to recommend an amendment to the Zoning Ordinance by allowing apartment dwelling groups as a conditional use in the General Commercial Zone to allow time to conduct a field trip of multiple family projects in the area and to allow time for adequate notice for the General Plan amendment portion of the application. Mr. Petersen stated that the development agreement now in effect will expire in 2009.
- Because representatives of the T-Mobile cell phone company were unable to attend the February 12th meeting, they felt they had not been allowed due process. After consideration, the City's attorney recommended the Planning Commission reconsider the agenda item.. After a motion to reconsider the original denial, the Planning Commission tabled the application by T-Mobile for conditional use and site lan approval to construct a cellular phone tower 60 feet in height on the old Monte Vista Elementary School grounds located at 100 South and 100 East in a BR zone to Thursday, March 11, 2004, whereupon the Commission will further consider the matter at a public hearing. Both sites, the Monte Vista location and the Kendall Building location will be considered at the March 11th meeting. The public hearing will receive proper notice for both locations.

- The Planning Commission recommended that the City Council amend the Zoning Ordinance to allow funeral homes as a conditional use in single-family residential zones in order to memorialized the zone text recommendation.
- Planning Commission Member Jim Talbot reported having attended a planning commission meeting in Mesa, Arizona. He said they had practices there that may be of help in Farmington. Among other things, the Mesa commission used a 3-minutes timer. People who wished to address the commission filled out and submitted a card prior to their particular public hearing topic. The cards were given to the chairman who would then call each individual up in an orderly fashion. The three minute time limit was enforced, unless a person had been designated as a spokesman for a group. In that case they would be given 5 or 6 minutes. People expressing the same ideas were asked not to speak if their points had already been covered..

PUBLIC HEARING: CONSIDERATION OF AMENDMENT TO THE CITY'S ZONING ORDINANCES ALLOWING "FUNERAL HOMES" AS A CONDITIONAL USE IN ALL SINGLE FAMILY RESIDENTIAL ZONES (Agenda Item #4)

Mayor Connors had asked for clarification regarding the notification procedures conducted for this agenda item. He reviewed what had taken place and reported that the City Attorney had been contacted. The City Attorney advised that notice had been proper and that the public hearing could go forward for the evening.

David Petersen introduced the agenda item. During the February 12th Planning Commission meeting, a motion regarding a request to amend the Farmington City General Plan by re-designating 1.64 acres located at 1798 North Main from "low density residential" to "office/business park" and to rezone the property from LR-F to BP for the purpose of establishing a funeral home had been presented to the Planning Commission for their consideration. However, after a well-attended public hearing and study of several alternatives, the Planning Commission decided to recommend an amendment to the Zoning Ordinance wherein "funeral homes" would be added to the residential zones of the City as a conditional use. After review by the attorney, it was decided that both motions would go before the City Council for their consideration. Mr. Petersen stated a traffic study had been supplied by the applicant which indicated the impact of the funeral home on the local streets would not be significant. Included in the packet were letters submitted by the public regarding the issues.

Mayor Connors cautioned those in attendance regarding City Council procedures and asked that respect and decorum be observed. The Mayor asked that if a group consensus existed, there be a spokes person delegated to make a statement to the Council. The tradition observed in Farmington City meetings held that people of disagreeing positions could make their points in an agreeable manner.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Brent Russon (representative of the Russon Brothers Mortuary) expressed appreciation to Planning Commission for their deliberations and fair manner in which they conducted their meetings. He stated that the application had first gone before the Planning commission in January. Mr. Russon stated there were site plans and building elevations in the Council packet for the evening. He also referred to the traffic study conducted at the expense of the applicant. At first the traffic flow seemed to be the major problem. However, after comments were heard during the Planning Commission meetings, it was evident that the bigger concern was the potential for commercial creep along Farmington's historic Main Street. He noted that he and his partners were also interested in protecting the surrounding properties from commercial creep. He appreciated the support of the Pilcher and Potter families in the proposed land. The neighbors to the east were understandably apprehensive regarding the change near the Cherry Hill interchange. The culprit in the matter may be UDOT. The area was no longer conducive to residential land uses. The funeral home proposal would be an option and opportunity to have a low key facility on the parcel which would be done as nicely as possible. He stated he and his partners wanted to have the funeral home fit in with the community. He believed that with time it would fit and would be acceptable.

Mr. Petersen presented a site plan of the mortuary for the benefit of the audience. He reminded those present that the City Council was not considering a site plan approval request.

John Bradshaw (650 North 100 West) stated he was in support of the Russon Brother proposal. He would rather have a funeral home than another, higher impact commercial use on that corner. He felt the funeral home would be a well-landscaped business.

Marsha Bennett (870 West Sommerset Street) discussed what she felt was the negative impact of the funeral home on nearby property value. She said the tax base issue was important, but more important was the traffic safety problems she felt that had not been resolved. Ms. Bennett recognized that there will likely be commercial development in the area. An amended master plan that is due to be finished this summer would be a golden opportunity to do the job right. Ms. Bennett said that now that Farmington owns Main Street, it could greatly enhance the safety of the street. There had been rumors of restructuring the street. It was a miracle that the current design of the street had not taken a life. Now is the time to construct the street correctly. Such reconstruction needs to be done before approval of any new business. The access along Main Street is very dangerous. Ms. Bennett felt that reconstruction of the street could be funded by coming commercial development. Development needs to be done in a safe and logical manner.

Sharon Treu (931 Northridge Road) strongly disagreed with the City Planner that the property is not desirable for residential use. A home could easily be built back off the street. There had been an unfair assessment of the property. There are new homes that have been built on the east

side of Main Street. Having the property rezoned to commercial use will increase the value of the property, but it leaves those who are left with an undesirable use. Her property will be devalued by hundreds of thousands of dollars. Devaluation will probably happen to all those in the nearby proximity. Where will the devaluation end. It is not fair.

Linda Hoffman (1766 Campden Circle) asked that the City Council please not make a decision until the Master Plan is completed. She raised concerns regarding allowing a mortuary in a residential area, commenting that other communities usually do not allow the practice. The common practice of other communities appears to be the restriction of mortuaries to commercial zones.

Barbara Rencher (931 Wilshire Court) appreciated the service rendered by the City Council. She stated that if Council members had experienced the Monday morning traffic jam in the area they would realized there was no more room to increase cars. She said she took exception to the statement that the area is no longer conducive to residential units. There are currently 237 residential properties on Main Street. Only three of those properties are for sale. There have been new homes built on the Street in recent years. The Pilcher property is marketable as a residential property. Ms. Rencher stated that she would welcome the Russon Brothers business in Farmington but not in the established residential area on north Main Street. She felt the property should be sold as residential property, the Russon Brothers should find another area, and the City should preserve the corridor of Main Street as residential.

David Potter (1745 North Main) stated he had seen a lot of changes in the 65 years he had lived on Main Street. He felt the new interchange at Cherry Hill was the result of the needs of those living in the area. UDOT had realized the need of those living in Farmington and nearby communities and the new road had been built. The traffic flow will change but the Pilcher property will never be a truly residential area again. Traffic created by the potential funeral home will not be on the road during the rush hour. As a potential neighbor to the funeral home, Mr. Potter and his family look forward to the nicely landscaped business. Mr. Potter felt the Pilchers should not have to be submitted to the high traffic lights, noise, etc. This area is no longer residential.

Bill Bond (903 West Oak Court) agreed that the property in question is no longer suitable for residential use. The Pilchers once lived on a nice shady lane, but it is no longer that way. The mortuary would be an ideal use.

Amy Hayter (1752 North Ramsgate Road) expressed her concern about access on to Main Street from the Potter property. Egress and ingress onto Main Street all along the road is very problematic. She asked that the City Council come up with a unified plan for the Main Street corridor. There also needed to be a traffic plan for the entire area. She asked that the City conduct a traffic study. A statement had been made that the funeral traffic would occur in off-peak traffic hours. She stated that the fact was that the neighborhood to the east was full of retired people and people with small children would also be using the road all day long.

Roy Rencher (931 Wilshire Court) said he supported preserving the pastoral nature of Farmington. He also wanted the City to preserve the exclusive residential property along Main Street. Mr. Rencher asked that the City Council not allow commercial creep on either side of Main Street. There had been an unfortunate impact on the Pilcher property because of the interchange development. The Pilcher family is selling their property and going to Malad, Idaho. They will be leaving those remaining in Farmington to suffer from the decisions being made. He strongly disagreed with those who believe the area is no longer conducive to residential use. He felt the area not adequate for residential dwellings should be purchased by the City and used as open space and parks. The rest of the property should be used for residential uses. There are other areas in Farmington that could be used by the funeral home. The Russon brothers have not stated that they must build on the Pilcher property or they will leave Farmington altogether.

H. Richard Heindel (715 Somerset Street) stated he was aware that the City had paid consultants to study development in Farmington and that study did not suggest commercial development to be strung along any street. It was suggested that commercial development be condensed to keep it viable. Main street should remain residential. There have been houses built in the recent past along Main Street, proving that the area can be kept for homes. Mr. Heindel said he understood the situation experienced by the Pilcher family, but there are other good uses for the property. He said he was concerned about commercial creep. The presumption that there would be a 7-11 come to the corner or that another high impact commercial use would come was unfair. He asked that the City Council look at the long term needs of the community. The residents that exist will be there for a long time. There will be development between Main and U.S.89. The City should decide if they want to use the area as a buffer or if they want to allow commercial creep. Mr. Heindel said that some people do not mind living next to busy streets. The City should not limit options for the use of the property. The overall health of the community ought to be the primary interest of the Council. The City Council is still in a position to make choices for the best of the community at large, not just one parcel.

Louis Brown (819 Hampton Court) asked questions about the process of gaining conditional use permission. Mr. Brown was supportive of statements made by Marsha Bennett. He felt the Council should give consideration to plans for the area before they vote. They should decide first what is wanted for Farmington in terms of a Master Plan. He asked if there was a plan for transportation in the area.. Has someone looked at requirements that should be made of anyone development on Main Street during the next couple of years. The City Council should step back and look at what might be needed for the future. There will need to be more right of way along Main Street and that will put the funeral home out of business. The Russons have a good business. Both the City and the business need to look at this location very carefully. Mr. Brown said he had been in contact with UDOT officials and there were no plans to take Potter property. The impact of the funeral home will devalue everything around it. He asked that the City Council look at the impact before changing the zoning.

Ken Pilcher (1798 North Main) said he owned the property in question. He owned the land since 1942 because of his father's responsibilities at Hill Air Force Base. He stated he was offended at the neighbors wanted to tell him what he should do with his property. The Russons will pay eight times more taxes to Farmington than he does. The traffic complaints will be an issue regardless of what use is placed on the property. Mr. Pilcher stated that those who live on the Wasatch Front will all experience development in just a matter of time. He said others do not understand how difficult it was to live on the corner of a heavily trafficked area. He said his family has absolutely no privacy in his back yard. He felt the neighbors were causing the traffic problems by ignoring stops signs. He also felt that the corner property was commercial. There would not be anything nicer or quieter than a funeral home. If the funeral home is denied then there will be a gas station with a very negative impact on the residents. The corner is surrounded by highway on the north, hillside on the east and City property on the west. He asked that the Council rezone the property and have the controversy settled. He felt the conditional use should be added to the zone text.

Mayor Connors stated that the City Council was not considering a rezone. The application was to permit funeral home use as a line item for conditional use in residential zones.

Mr. Pilcher stated that whatever the Council was considering, it should be approved. The City needs a better tax base to pay for fire and police protection. The best use for the corner was the funeral home. He did not have a choice about having the road built so close to his home. He stated he had kept the area well-maintained at his own expense so that it would look nice as the entrance to the City. He restated his feeling that he should be allowed to have rights regarding the use of his own property.

Harv Jeppson (1717 North Main) stated he felt there was a danger of holding residential zones where they do not belong. Doing so hurts the entire community in the end. If the land is allowed to be used as a resident, it will deteriorate and turn into a rental. The mortuary would be a beautiful entrance into the City from the north. If a home is built on the corner it will be hard to sell. The traffic conditions cannot be changed.

Mark Callister (1958 North Kingston) said he had been a member of the citizen committee working on General Plan. The General Plan is what distinguishes Farmington from other cities. The areas use for single family residences need protection. It seems that the citizens are fighting the City as they try to defend its own General Plan. The General Plan should only be changed reluctantly. The heaviest burden should be on those who want to prove need to change. He understood why the Potters and the Pilchers want to move. The traffic situation should improve in the future. Once a mortuary is built on the property there more commercial development will want to come.

Public Hearing Closed

With no further comments, **Mayor Connors** closed the public hearing and asked the City Council for their consideration. He expressed appreciation for the comments of the citizens and the manner in which they were presented. The City Council discussed the issues.

Susan Holmes thanked those who participated in the public hearing. Changes were always difficult in the City. She told those present that the City Council was currently looking at conditional use changes for all residential zones throughout the City. Council members were intently interested in what was best for the entire City. She reviewed items already on the conditional use list. The City traffic engineer had reviewed the plan for the funeral home and found it to be compatible with the neighborhood.. The property in question could be developed into as much as 6 homes, which could generate a great number of cars. Ms. Holmes stated that she did have concerns about the Master Plan and felt that approval of the line item may be premature.

Rick Dutson appreciated the input given him by the citizens. He tried to put himself in both positions and found there was valuable opinions on both sides. He could understand the Pilcher's concern and could see why they were frustrated about private property rights. There were traffic concerns for that specific parcel. Mr. Dutson was aware that Fruit Heights was about to approve approximately. 300 dwellings in southern end of their city. If the project is constructed, traffic from those homes would use Mt. Road for access. The access from Somerset onto Main Street is already very danger. On snowy days Somerset Drive is usually closed because it is too dangerous. People have to use Northridge on those days. He understood that there was some directive that stated access from the proposed funeral home site would need to be onto Mt. Road and not to Main Street which would add to the problem. Once the freeway is completed some traffic will decrease, however, its unknown exactly what the effect will be. Mr. Dutson felt that the corner was a legitimate residential location. Other homes had been built along Main Street. The parcel could be a good site for one or two homes if built back off the street. There had been talk about citizens getting together to purchase the property, which may be a viable option. He felt that tax revenue increase from the parcel was not really an issue. He felt that there would be better tax base revenues from other areas in the City. The Pilcher parcel is a gateway to Farmington from the north and as such should have a good looking sign. He felt the parcel should not go commercial at this time. Perhaps the parcel should be marketed as residential to see what would happen.

David Petersen stated that the traffic study recommended access on Mt. Road but it had done so erroneously. The Atrans engineers believed Mt. Road to be S.R. 106. Horrock Engineers recommended access from the funeral site be on Main Street. The Main Street would likely not be a problem. Mr. Petersen stated the site plan for the funeral home posed no foreseeable problems. Studies indicated it would be a low impact use for the corner. A church building there would have a much greater impact on the corner than the funeral home.

Mr. Dutson stated his belief that the highest and best use for the parcel would be open space with landscaping and a sign.

Mr. Young asked that the City Planner review requirements for conditional use permits.

Mr. Petersen reviewed the standards required before conditional use permits could be approved.

Mr. Young commented that the conditional use requirements were strict enough that any conditional use approval would address all concerns expressed by residents. He asked if the Russon Brothers had looked at any other parcel in the City.

Brent Russon stated that several other parcels had been studied. Because of the proximity to Fruit Heights and the northern end of Farmington, the Pilcher location was the property that would be the best for their purposes. The parcel met the purposed for which the business was moving to Farmington.

Mr. Young complemented the Russons for their quality of operation. He also said he believed in the planning process undertaken by the City officials and that it would provide the best for the entire City.

Larry Haugen thanked citizens for showing concern for Farmington and for their neighborhood in particular. He wanted to have the City Council complete the work on the General Plan amendments before making a decision on the land use for the parcel in question. Mr. Haugen felt there were real traffic safety concerns on north Main. He also felt that the funeral home traffic impact would be low. He would personally not build a home on that corner because of the traffic. Even if the traffic decreases temporarily, it will eventually increase again. Mr. Haugen stated that he believed what ever was developed on the corner, it should be compatible with what the neighbors would want.

David Hale appreciated the public hearing comments and the calls that he received from interested citizens. He received information from Mr. Snyder who expressed concern about notification and that Mr. Snyder was not in support of the funeral home. Mr. Hale stated he hoped the explanation at the beginning of the agenda item clarified the City's policy regarding notification. The issues before the City Council was not whether or not to allow the Russon Brothers to build a funeral home, but whether or not funeral homes should be added to the list of conditional use items in residential areas. Mr. Hale reviewed other items already on the list such as private schools, community center, and homes for the elderly. He felt that the funeral home would produce a similar traffic flow. He also felt that a funeral home was not like a retail use. He said the big question was if it fit the General Plan. The Russon Brothers seemed to be very professional. He believed the mortuary was the highest and best use for the property and that it was compatible with the surrounding area.

Mr. Dutson said he would have similar concerns if any of the other uses already on the conditional use list were being proposed for this parcel. He felt access to the property was problematic. He also stated that he wanted Brent and Scott Russon to know that their business would be welcomed in Farmington. He was just not comfortable with the proposed location.

Mayor Connors stated there had been similar discussions over the Bourne property. He felt it may be wise to wait until the Master Plan had been completed to make sure whatever is placed on

the property would be compatible with the goals for the community. Mayor Connors reiterated the respect the City Council had for the Russon Brother business. The funeral home would be much preferred to other commercial uses. The real issue was the long term goals for Main Street. Main Street in Farmington is special. The City officials and the citizens have been very protective of Main Street. Right now the General Plan shows only residential uses for the street on both sides. Changing that would not be done lightly.

Motion

Susan Holmes moved that the City Council table consideration of amending the City's Zoning Ordinances by allowing "funeral homes" as a conditional use in all single family residential zones pending the report from the Master Plan committee to gain a broad understand of what is being designed for the entire area rather than looking at a single parcel. **Sid Young** seconded the motion.

In discussion of the motion, **Mr. Petersen** reported that the Master Plan Committee had met earlier in the evening. The work is nearly completed. The Planning Commission should review the recommendations later in March. The City Council will consider the recommendations in April.

Mr. Dutson felt the City Council should wait for the freeway construction to be complete before making any decision about land use.

Mayor Connors stated that he had had a report that the Cherry Hill/Shepard Lane construction should be complete by October. He also mentioned that the Shepard Lane area will be closed to traffic the following weekend.

Mr. Petersen stated that the Fruit Heights subdivision referred to had not been finalized. He had heard a different report regarding the number of dwelling units. He said a future traffic model had been done using future land uses. He could check with Fruit Height officials to make sure that the numbers were solid.

A vote was taken indicating the motion passed by a 4 to 1 vote. Mr. Dutson opposed the motion. He stated he would like to wait to see what will really happen once the transportation construction is complete.

PUBLIC HEARING: CONSIDERATION OF AMENDMENT TO CITY'S GENERAL PLAN BY REDESIGNATING 1.64 ACRES LOCATED AT 1987 NORTH MAIN STREET FROM "LOW DENSITY RESIDENTIAL" TO "OFFICE/BUSINESS PARK" AND TO FURTHER CONSIDER REZONING THE PROPERTY FROM LR-F TO BP (Agenda Item #5)

Mayor Connors stated that the agenda item had been withdrawn.

S & S RAILROAD SIGNAGE REQUEST RECOMMENDATION (Agenda Item #6)

Mr. Forbush reviewed the signage request. Previously, Council Members Sid Young and Susan Holmes met with David Petersen and with the owners of the S&S Railroad business to review their request for signage and way-finding signs directing the public to their operations into west Farmington. Both Council Members Young and Homes requested the applicant provide a less obtrusive sign that could be used in certain areas.

Mr. Flanders expressed appreciation for what the City Council does for the community. The packet contained a diagram of a proposed sign design. The design had been taken from work done years ago when the City was interested in producing a way-finding signage system. The project was not completed because of lack of funds. The way-finding system was originally intended to give directions to points of interest throughout the City from different strategic locations on City roads. He recognized the concern of the City Council about setting a precedence regarding giving signage to commercial endeavors. However, he felt that because of the practices of the S&S Railroad, it should be given special consideration. He also stated that the sign under current consideration is large, but it needs to be because of the location. In other locations it could be smaller.

Mr. Forbush stated City staff had done a great deal of work years ago. Graphics had been designed for the signs, including colors, lettering, etc. The project did not happen because of funding. There had been 13 sites chosen. One was at the intersection of 200 West and State. The signs were not intended as one location signs; they were intended for multiple use. Mr. Forbush wondered if the Council might consider given permission for the S&S Railroad way-finding sign on a temporary basis with consideration of a long term way-finding system as time permits.

Mr. Young stated if there had been concerns by a resident regarding placement of signs at 200 West State Street. He said the sign would likely be better placed further west near the City park near the overpass.

Mr. Flanders discussed potential sign locations throughout the City.

Mr. Young stated he would like a different color than what was being proposed. He also felt the sign was too large. He felt the Council should consider a way-finding signage system for the entire City with appropriate designs to fit all future needs and uses.

Mr. Dutson said his fundamental concern was the status of the S&S business. He posed a hypothetical question and asked if a business had a collection of grandfather clocks but its major role was the sales of clocks, could it be considered a museum and therefore allowed to be included on the way-finding system. How would the City differentiate between justifiable uses?

Mr. Flanders contended that each endeavor would have to come before the Council on a case by case basis and prove there were a valid museum by how many people come through to view historical items, how many free tickets they gave, how many special needs and school children were

invited, etc. Mr. Flanders said the S&S Railroad business hosted 50 thousand visitors last year. He felt that qualified his operation as a valid museum that needed and deserved a way-finding sign.

Mr. Forbush stated the issues was one of ordinance requirements.

Mr. Petersen stated that the ordinance could be amended to include commercial/recreational uses with strict definitions. The question was whether or not the S&S Railroad should be allowed as an exemption to the current ordinance? He suggested the issue be given to the Problem Resolutions Committee of the City council who could come back with a recommendation. He stated that directional signs would be helpful to traffic through the City. The Tithing Office Museum would be a likely candidate for way-finding sign inclusion whether or not it was private or public.

Mr. Hale asked whether the Pioneer Village museum would have a sign.

Mr. Petersen responded that Lagoon does have a sign for direction of traffic.

Mayor Connors stated what he felt was the consensus of the City Council. Everyone loves the S&S Railroad business. It has enhanced Farmington. The issues surrounding the way-finding signage system is larger than the single business. The Council would have to contemplate concrete reasons for a decision so as not to appear that some Farmington businesses were receiving free advertizing. It may be wise to consider commercial/recreation definitions and requirements as part of a way-finding signage system ordinance. The Council was not ready to make a final decision at this point. However, they asked that staff move forward and gather more information, including a review by the City attorney.

Mr. Forbush asked if the Council would consider given the S&S Railroad business a temporary sign to help keep the business viable.

Mr. Hale said a big banner sign would be objectionable. Any sign would have to fit well with community.

Mayor Connors asked that Mr. Young and Ms. Holmes continue working with Mr. Flanders.

CONSIDERATION OF CRS PROPOSAL TO DEVELOP A CITY WATER MANAGEMENT AND CONSERVATION PLAN (Agenda Item #7)

Mr. Forbush introduced the agenda item. The City Manager and Finance Director are presently evaluating the budget with regards to the development of a City water management and conservation plan. The City Manager believes he can work this in the current budget year. The requirement for such a plan is stated in the letter written to David White by the Director of the State Division of Water Resources and was included for Council review.

Motion

Rick Dutson moved that the City Council authorize the City Manager and City Finance Director to find money in the existing budget to permit this study and plan to be completed. **Larry Haugen** seconded the motion, which passed by unanimous vote.

FARMINGTON MUSEUM CONSIDERATION (Agenda Item #8)

Mr. Forbush reviewed the agenda item. He recommended the City Council authorize the purchase and installation of a security system for the Farmington Museum. He also recommended that Mr. Haugen and Mr. Young review budget issues for the museum and bring their recommendations back to the City Council for their consideration.

Mr. Haugen stated that there needed to be a phone line installed in the museum building and that a grand opening be planned in conjunction with Farmington Festival Days in the summer of 2004.

Motion

David Hale moved that the City Council give immediate authorization to the City Manager to evaluate different security systems to be used at the museum location and that the City Council authorize the Historic Preservation City Council Committee comprised of Larry Haugen and Sid Young to review the following: 1) the proposed budget for fiscal year FY04/05; 2) the proposed draft of the policies and procedures for the museum; and 3) the proposed long-term capital plan for completing the museum. The actions be reviewed by the City Council sub-committee with the City Manager to come back with full recommendations at a later time. **Larry Haugen** seconded the motion, which passed by unanimous vote.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #9)

David Hale moved to approve the following items by consent as follows:

- 9-1. Ratification of construction bond agreements previously signed by Mayor Connors.
- 9-2. Declaration of City properties as surplus authorizing their disposal as follows:
 - Worn-out rescue air bags that need to be destroyed.
 - One (1) unsalvageable computer.
 - Seven-to-eight 15" CRT color or black & white computer monitors.
 - Two (2) pentium .233 computers that run Windows 95.

- 9-3. Approval of agreement with UDOT regarding street lighting installation and maintenance at Park (Burke) Lane and Shepard Lane. The standard agreements were prepared by UDOT.
- 9-4. Authorization of City Manager's extension of final plat approval of Farmington Ranches Phase VI.

Rick Dutson seconded the motion, which passed by unanimous vote.

MILLER MEADOWS DEVELOPMENT AGREEMENT (FINAL READING) (Agenda Item #10)

David Petersen reviewed the agenda item for the City Council. There were a few changes in the text of the agreement. Because the subdivision contained conservancy lots and not a conservation easement, language needed to be changed to reflect accurate information. Other minor changes were also noted. According to Mr. Petersen's understanding, the developer was in agreement with the changes.

Mr. Haugen asked if the subdivision would include decorative lighting. The City was currently considering a decorative lighting requirement for all new subdivisions. It was anticipated that an ordinance would shortly be approved, but it was not City law yet.

Motion

Susan Holmes moved that consideration of the Miller Meadows Development Agreement be tabled. **Rick Dutson** seconded the motion.

In discussion of the motion, Mayor Connors asked the City Planner to approach the developer about installing decorative lighting in the subdivision. He also asked that the City attorney be asked to review the conservancy issues. A brief discussion ensued regarding the appropriateness of tabling the issue until after a decorative lighting ordinance was in place.

Ms. Holmes asked if the subdivision was vested to which Mr. Petersen responded in the affirmative.

However, **Mr. Petersen** reported that at each stage of approval the development must meet requirement in place at the time of approval.

Ms. Holmes withdrew her motion.

Motion

David Hale moved that the City Council adopting the Miller Meadows Development Agreement with changes as discussed and subject to review and approval of the City attorney and subject to consideration by the developer to install decorative lighting. **Rick Dutson** seconded the motion, which passed by unanimous vote.

STATUS REPORTS ON CITY PROJECTS/COMMITTEE ASSIGNMENTS (Agenda Item #11)

Problems Resolution Committee Negotiations with Ken and Jackie Hardy/David Hale and Sid Young

David Hale and Sid Young met with Ken Hardy along with David Petersen and Max Forbush to discuss issues relative to the Ken Hardy property development in west Farmington. The Fire Chief was also present. Mr. Hale stated the City recommended dedication of the full street with looping for fire protection. The Hardys had reservations. Fire Chief Gregory informed the Hardys that they could not live on the property if there was not adequate fire protection access on to the property. The emergency vehicles would need a 20 foot, hard surface road and it would have to be understood that there would be no other businesses which would need increased protection. There could be not parking on the road. City staff also stated that the City's preference was to have the road dedicated. The response of the Hardys was that they felt the City wanted too much. Further discussion revealed that the Hardys wanted an open pad where they could park their equipment. The City officials stated that if any kind of structure were to be built, then the road would have to be dedicated. The Hardy's felt they did not have enough property mass to justify the expense of road dedication. There was also a discussion regarding utility requirements. The road would have to be built to standard to support emergency vehicles. The option of having the property annexed into the City as a non-conforming use would have to be carefully considered. It was suggested that all issues be presented in written form so that no outstanding concerns were left unresolved. At that point, the Hardys and the City would need to reach an agreement on all matters before approval could be granted.

Special Improvement District 2003/Max Forbush

S.I.D. projects on 475 South Street are being driven by the number of lots to be subdivided. The number of lots will dictate where utility lines are placed. Mr. Forbush suggested that a stub road be built to the north. The road could be partially improved. Doing so would accommodate a second access and resolve the dead end street problem. He then presented a drawing showing the need to make adjustments to the sewer line being installed in Glover's Lane near 650 West. The sewer alignment will have to be relocated due to the location of the Weber Basin water lines. The City Council discussed alternatives. By consensus, the City Council directed the City Manager to move forward with the work as discussed. The estimated cost of the project could be between \$8,000 to \$10,000. Staff was recommending that this change order be paid out of the City's sewer fund. The City Council concurred by a consensus discussion.

Flood Mitigation Projects/ Property Acquisition Issues/Max Forbush

Mr. Forbush discussed the option agreement with Dixon and Nita Ford and said that the date of March 19, 2004, should be added to the document. The price of property acquisition will likely be around \$130,000. The proposal is being evaluated to make sure that it will work. Authorization to buy the property for construction of a detention basin should be considered at the next City Council meeting.

Motion

Susan Holmes moved that the City Council approve the “Option Agreement” presented in the packet as discussed authorizing the Mayor to sign the same. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Bridge Status at 600 North/Max Forbush

Mr. Forbush had talked to the UDOT project manager for the 600 North Bridge. He said there was one thing holding up the completion of the work. That was the relocation of the fiber optic lines across the bridge. It was a matter of national security and representatives of the Federal Government had to approve the relocation before it could be done. That should be accomplished within the next couple of weeks. It was anticipated that the bridge would be completed by the first of May.

FUTURE EVENTS/MEETINGS (Agenda Item #12)

Mr. Forbush reviewed the following dates:

- March 5th Community Center Open House (11 a.m. to 6 p.m.) with ribbon cutting ceremony around 12:30 P.M.
- March 6th Emergency Preparedness Meeting/Table Top Exercise (8:30 a.m. to 11:30 a.m.)
- March 20th Emergency Preparedness Fair (9 a.m. to noon) at the Farmington Junior High.

ESTABLISHMENT OF A COMMITTEE TO RECOMMEND “DRAFT DESIGN GUIDELINES” AND ORDINANCE FOR MIXED USE ZONES/MAYOR CONNORS (Agenda Item #13)

Mayor Connors expressed his interest in moving forward with the draft “Design Guidelines” and ordinance for mixed use zones. He suggested appointing a subcommittee because a smaller

working committee would be more effective. He suggested that two members of the City Council, two members of the Planning Commission, along with the City Planner, Rich Haws, and David Dixon be asked to serve on that committee. The firm of Bear West should be used as a consultant.

Motion

Susan Holmes moved that the City Council appoint the following City Council and Planning Commission Members and others to comprise the subcommittee to draft the “Design Guidelines” for review of the City Council and to authorize the City Planner to use Bear West to help develop the text of these guidelines: Susan Holmes, Sid Young, Cory Ritz, Bart Hill, Alice Steiner, Rich Haws, David Dixon, and David Petersen. **David Hale** seconded the motion, which passed by unanimous vote.

Mayor Connors advised the subcommittee to remember to be extremely protective of the interests of the City.

MISCELLANEOUS

501C3

Ms. Holmes stated it was imperative to get a 501C3 in place before the museum and the Community Center and the various arts programs began fund raising.

Arts Committee Recommendations for Amendments

The arts committee need to red line the document and get it back to the City Manager so that he can have the City attorney review the draft. It will then be placed back on the agenda.

Comcast

Ms. Holmes reported that Comcast is currently finishing their upgrade to the cable TV lines. There are monies available for infrastructure improvements. Mr. Forbush was asked to contact company officials for more information so these services could be extended into the west Farmington area. Mr. Forbush expressed concern about a possible conflict with the City’s plan to build its own fiber ring into the area.

SOB Ordinance

Mr. Young inquired regarding the review of the sexually oriented business (SOB) ordinance updates. He had an example from Bountiful City, who had approved a “child appropriate standard” in their ordinances.

Decorative Lighting

Decorative lighting installation is moving forward. The work is not yet complete.

Farmington Station

Mayor Connors noted that a sign on the Park Station property read “Farmington Station.” Since there is already a Farmington Station subdivision, the City Manager was asked to inform Mr. Haws that the name would be a duplication and that the sign should probably be changed.

April 7th Meeting

There was a brief discussion regarding holding a meeting on April 7th because it is during the school spring break. It was decided to hold the meeting as planned.

Sharing City Documents with other Communities

The City attorney had recommended that when the City shares legal documents such as ordinances with other communities an electronic copy should be accompanied with a disclaimer letter. The disclaimer letter should be reviewed by the City attorney before use. The City of Fruit Heights had requested an electronic copy of the City’s personnel policies. The Mayor & Council authorized giving this information by consensus understanding.

Letter of Trade

Mr. Forbush reviewed a letter to be sent to Region One of UDOT proposing to take over ownership of parts of S.R. 106 and S.R. 227 in exchange for the amount of \$930,000 to be given Farmington over 3 years to make upgrades to the roads. By consensus, the City Council directed the City Manager to mail the letter.

Two Road Improvement Projects

Mr. Forbush reported that he had received verbal news that UDOT would fund the tunnel at 400 West near the State Street overpass in the amount of \$500,000. Also, the intersection at 1075 West would receive funding for either a signal or a round about.

Home Occupation License Revocation

The packet contained a letter from Amy Hayter (President of the Somerset HOA) regarding a home occupation license being considered for renewal. The letter requested the City consider declining the application for renewal. After discussion the Mayor Connors suggested that Rick Wyss, Chairman of the Board of Adjustment, be asked to hear the complain as an appointed City Council

hearing examiner. The hearing examiner would consider testimony from both sides during a formal hearing and render a decision. Appropriate notice would need to be given of the hearing. The City Manager was asked to review the procedure with the City attorney prior to setting the hearing.

Motion

David Hale moved that the City Council appoint Rick Wyss as a hearing examiner to hear consideration of business license revocation subject to review by the City attorney. **Susan Holmes** seconded the motion, which passed by unanimous vote. (Mr. Dutson was temporarily absent from the rostrum and did not take part in the vote.)

Farmington Station Owner's Association

The Farmington Station Owner's Association had requested help from the City in resolving problems in the development. After a brief discussion, it was noted that the Planning Commission would be the body to review the situation.

ADJOURNMENT INTO CLOSED SESSION

David Hale moved that the City Council adjourn to closed session to discuss strategy as it pertains to pending litigation at 11:00 P.M. **Rick Dutson** seconded the motion, which passed by unanimous vote.

At 11:15 p.m. a motion to go back into open session was made by **Larry Haugen** and seconded by **Rick Dutson**. The motion passed by a unanimous vote.

ADJOURNMENT

There being no further business, Larry Haugen moved that the meeting adjourn at 11:15 p.m.

Margy Lomax, City Recorder
Farmington City